



**GAIL FARBER, Director**

# **COUNTY OF LOS ANGELES**

## **DEPARTMENT OF PUBLIC WORKS**

*"To Enrich Lives Through Effective and Caring Service"*

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ALHAMBRA, CALIFORNIA 91803-1331  
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ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

February 12, 2013

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

Dear Supervisors:

# **ADOPTED**

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

**23 February 12, 2013**

*Sachi A. Hamai*  
SACHI A. HAMAI  
EXECUTIVE OFFICER

**AMENDMENT 3 TO CONTRACT NO. 001749  
FOR HEATING, VENTILATION, AND AIR CONDITIONING SERVICES AT PUBLIC WORKS  
HEADQUARTERS AND FIELD FACILITIES  
(ALL SUPERVISORIAL DISTRICTS)  
(3 VOTES)**

### **SUBJECT**

This action is to amend the contract with Johnson Controls, Inc., d.b.a Cal-Air, Inc., for Heating, Ventilation, and Air Conditioning Services - Public Works Headquarters and Field Facilities, to extend the contract on a month-to-month basis for up to six months until a replacement contract is awarded.

### **IT IS RECOMMENDED THAT THE BOARD:**

1. Find that the work continues to be categorically exempt from the provisions of the California Environmental Quality Act.
2. Approve Amendment 3 to Contract No. 001749 with Johnson Controls, Inc., d.b.a. Cal-Air, Inc., for Heating, Ventilation, and Air Conditioning Services – Public Works Headquarters and Field Facilities, to extend the contract on a month-to-month basis for up to six months starting February 28, 2013, at a monthly amount of \$5,137 and at an aggregate amount of up to \$30,822 for the six-month period while the Department of Public Works completes the solicitation process for a replacement contract.
3. Authorize the Director of Public Works or her designee to increase the contract amount up to an additional 10 percent of the contract sum for unforeseen, additional work within the scope of the contract, if required.
4. Authorize the Director of Public Works or her designee to execute the amendment upon proper

execution by the contractor and approval as to form by County Counsel.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The purpose of the recommended action is to continue this contract on a month-to-month basis starting on February 28, 2013, for up to six months while the Department of Public Works (Public Works) completes the solicitation process for a replacement contract. The extension of the contract is necessary to ensure continuation of as-needed and intermittent heating, ventilation, and air conditioning (HVAC) services to continue providing preventive maintenance; as-needed technical repairs; mechanical repairs; and written reports for the Public Works Headquarters and field facilities HVAC systems.

All proposals received in response to an October 25, 2012, Public Works' Request for Proposals were found to be nonresponsive. Therefore, a new solicitation for HVAC services will be issued. When proposals have been received and evaluated, Public Works will recommend that a contract be awarded to continue provision of these services.

### **Implementation of Strategic Plan Goals**

The Countywide Strategic Plan directs the provisions of Operational Effectiveness (Goal 1), Fiscal Sustainability (Goal 2), and Integrated Services Delivery (Goal 3). The contractor who has the specialized expertise to provide these services accurately, efficiently, timely, and in a responsive manner will support Public Works in meeting these goals.

### **FISCAL IMPACT/FINANCING**

There will be no impact to the County General Fund.

The requested amount is \$30,822 for the six-month period plus an additional 10 percent of the contract sum for unforeseen, additional work within the scope of the contract, if required. This amount extends the current contract's monthly amount of \$5,137 for the additional six-month extension. Funding for these services is included in the Fiscal Year 2012-13 Internal Service Fund Budget. When the need arises for services under this contract, financing the required services will be from the appropriate fund source.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

On June 5, 2007, Agenda Item 49, the Board approved Contract No. 001749 with Johnson Controls, Inc., d.b.a Cal-Air, Inc., located in Whittier, California, for HVAC Services – Public Works Headquarters and Field Facilities, authorizing annual contract expenditures of \$70,044 with a contract maximum sum of \$210,132. The contract was for an initial three-year term with no renewal options commencing on June 29, 2007.

In accordance with the motion passed by the Board on June 16, 2009, Public Works successfully negotiated with Johnson Controls, Inc., d.b.a. Cal-Air, Inc., to accept a 12 percent contract cost reduction without any reduction in the goods and services provided to the County in exchange for a contract term extension to June 28, 2012; thereby, Amendment 1 was enacted on December 7, 2009.

In accordance with the contract's terms, the contract was extended for an additional

60 days, commencing on June 29, 2012, without exceeding spending authority, to allow Public Works time to file Amendment 2.

Amendment 2 was enacted on August 28, 2012, to extend the contract term for a six-month period to complete the resolicitation process.

An RFP was released on October 1, 2012, Public Works received six proposals in response to the solicitation, and all six proposals were found to be nonresponsive. One proposal was disqualified for late submission after the deadline and five proposals did not comply with the County of Los Angeles Contractor Employee Jury Service Program (Los Angeles County Code, Chapter 2.203).

This amendment will extend the contract commencing on February 28, 2013, for an additional six months on a month-to-month basis for up to six months for a maximum contract term of 74 months and supplement the contract sum by \$30,822 in order for Public Works to complete a resolicitation.

The amendment, which is substantially reflected in the enclosed form (Enclosure), will continue the contract's current terms, specifications, and conditions. The Director of Public Works or her designee will execute the amendment in accordance with the Board's authorization and only upon proper execution by the contractor and approval as to form by County Counsel.

#### **ENVIRONMENTAL DOCUMENTATION**

These services are exempt from the California Environmental Quality Act (CEQA) pursuant to Class 1, Section 15301, of CEQA.

#### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

Approval of the amendment will continue the current contract services.

#### **CONCLUSION**

Please return one adopted copy of this letter to the Department of Public Works, Administrative Services Division.

The Honorable Board of Supervisors

2/12/2013

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Respectfully submitted,

A handwritten signature in cursive script that reads "Gail Farber".

GAIL FARBER

Director

GF:GZ:cg

Enclosures

c: Chief Executive Office (Rita Robinson)  
County Counsel  
Executive Office

AMENDMENT 3 TO CONTRACT NO. 001749HEATING, VENTILATION, AND AIR CONDITIONING (HVAC)  
SERVICES – PUBLIC WORKS HEADQUARTERS AND FIELD FACILITIES

THIS AMENDMENT, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2013, by and between the COUNTY OF LOS ANGELES, a subdivision of the State of California, a body corporate and politic (hereinafter referred to as COUNTY) and JOHNSON CONTROLS, INC., d.b.a. CAL-AIR, INC., a California Corporation (hereinafter referred to as CONTRACTOR).

WITNESSETH

WHEREAS, Contract No. 001749 ("Contract") was entered into between the COUNTY and the CONTRACTOR, June 29, 2007, to provide Heating, Ventilation, and Air Conditioning (HVAC) Services – Public Works Headquarters and Field Facilities, with the initial period of 36 months; and

WHEREAS, in accordance with the motion passed by the Board of Supervisors on June 16, 2009; on July 22, 2009, the COUNTY negotiated with the CONTRACTOR to accept a 12 percent cost reduction without any reduction in the goods and services provided to the COUNTY in exchange for a contract term extension for two years starting June 29, 2010, through and including June 28, 2012; and

WHEREAS, pursuant to Exhibit B, Service Contract General Requirements, Section 2.A, Amendments, of the Contract, the County extended the Contract term for sixty days, to August 27, 2012; and

WHEREAS, on July 31, 2012, Amendment 2 to this contract was approved by the Board of Supervisors and executed by the Director of Public Works to extend the Contract on a month-to-month basis up to six months, commencing on August 28, 2012 to February 27, 2013; and

WHEREAS, the parties desire to extend the Contract on a month-to-month basis for up to six additional months at the not to exceed amount of \$30,822 while the solicitation process for a new contract for this service is completed; and

WHEREAS, the CONTRACTOR is willing to provide the service under the Contract's existing terms and conditions during the period as extended under this AMENDMENT.

NOW, THEREFORE, in consideration of these facts and payment to be made by the COUNTY, the COUNTY and the CONTRACTOR agree that Contract No. 001749 between them shall be amended as follows:

FIRST: The CONTRACTOR shall provide continuous performance of this Contract commencing on February 28, 2013, on a month-to-month basis up to the maximum period of six months, unless the COUNTY provides written notice of nonrenewal at least ten days before the last day of any month, in which case this Contract shall expire as of

**SECOND:** This Contract's not-to-exceed amount for the maximum six-month period for heating, ventilation, and air conditioning (HVAC) services remains at the reduced rate as provided in Amendment 1 to the Contract with an aggregate total of \$30,822 for the six-month period or the monthly amount of \$5,137 or such greater sum as the Board may approve.

[illegible]

IN WITNESS WHEREOF, the COUNTY has, by order of its Board of Supervisors, caused these presents to be subscribed by the Director of Public Works, and the CONTRACTOR has subscribed its name by and through its duly authorized officers, as of the day, month, and year first written above.

COUNTY OF LOS ANGELES

By \_\_\_\_\_  
Director of Public Works

APPROVED AS TO FORM:

JOHN F. KRATTLI  
County Counsel

By \_\_\_\_\_  
Deputy

JOHNSON CONTROLS, INC.,  
d.b.a. CAL-AIR, INC.,

By \_\_\_\_\_  
Its President

\_\_\_\_\_  
Type or Print Name

By \_\_\_\_\_  
Its Secretary

\_\_\_\_\_  
Type or Print Name